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EXAMINER

ISMAIL, SHAWKI SAIF

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/835,376
Filing Date: April 17, 2001
Appellant(s): JABLOW, DAVID A.

John E. Curtin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on June 15, 2009 appealing from the Office action mailed September 21, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Free remote lottery system by Kevin J. Aronin (hereinafter referred to as Aronin)
US Patent No. 6,454,650.

Method for notifying an individual of a previously scheduled event by Glenn A. Ruckdashel (Hereinafter referred to as Ruckdashel) U.S. Patent No. 6,144,942.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-24, 27-39 and 42-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aronin** U.S Patent No. **6,454,650** and in view of **Ruckdashel** U.S. Patent No. **6,144,942**.

As to claim 1, Aronin teaches a system for providing personalized notification comprising:

a controller adapted to compare personal information and administrative information related to an event a user is participating in and further adapted to send a personalized notification to the user concerning the user's participation in the event (col. 9, lines 1-8).

Although Aronin discloses sending notification to a participant concerning the user's participation in the event, Aronin does not explicitly teach using a user's preferred method of notification.

Ruckdashel teaches a method for notifying an individual of a previously scheduled event. The user configures how he or she wishes to be notified for a particular appointment. The notification methods include wireless pager, email, wireless telephone etc...(see abstract, see Figs 5 and 7, col. 5, lines 21-36).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Ruckdashel into the invention of Aronin in order to allow the user to specify the preferred notification method. This will allow the user to select the notification medium that best suite them and one that they will have access to the fastest.

As to claim 2, Aronin teaches wherein the event is a lottery (see abstract).

As to claims 3-5, It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Aronin in view of Ruckdashel so that notification can apply to any event whether it is lottery or sport or entertainment, because the overall functionality of the system will be the only the type of notification will differ and doing so will give the user access to the information at a faster rate as well as add convenience to the user that he or she will be kept up to date with information concerning events that they are participating in.

As to claims 8-11, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Aronin in view of Ruckdashel so that the notification can be sent via any type of communication medium whether it be e-mail, telephone, fax etc..., because this will allow the user to select the notification medium that best suite them and one that they will have access to the fastest.

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As to claim 12, Aronin teaches the system as in claim 1 wherein the controller comprises a server (see Fig. 1).

As to claim 13, Aronin teaches the system as in claim 1 wherein the controller comprises an Internet server (see Fig. 1, col. 5, lines 1-7).

As to claim 14, Aronin teaches the system as in claim 1 further comprising a user database adapted to store the personal information (Fig. 1, system database 36).

As to claim 15, Aronin teaches the system as in claim 1 further comprising an administrative database adapted to store the administrative information (Fig. 4, col. 8, lines 56-58).

As to claim 16, Aronin teaches the system as in claim 1 further comprising a user network access unit adapted to send the personal information to the controller (Fig. 4, col. 8, lines 56-67).

As to claim 17, Aronin teaches the system as in claim 1 further comprising an administrative network access unit adapted to send the administrative information to the controller (Fig. 4, col. 8, lines 56-67).

As to claim 18, Aronin teaches the system as in claim 1 wherein the personal information comprises a lottery number (col. 7, lines 43-64).

As to claim 19, Aronin teaches the system as in claim 1 wherein the administrative information comprises a winning lottery number (Fig. 4, col. 8, lines 56-67).

Claims 20-24, 27-39 and 42-52 do not teach or define any new limitation above claims 1-5 and 8-19, therefore, they are rejected for similar reasons.

(10) Response to Argument

As per appellant's arguments filed on June 15, 2009, the appellant argues in substance that: Ruckdashel does not disclose or suggest the sending of a notification using a user's preferred method of notification concerning an event the user is participating in.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The rejection was under 103(a) based on a combination of Aronin and Ruckdashel. Ruckdashel was introduced to supplement Aronin and not to disclose the entire claimed subject matter. Aronin discloses sending a notification to a participant concerning the user's participation in the event (sending an email notification to the winners of the lottery drawing, col. 9, lines 1-8). The notified winner is in fact a participant in the lottery drawing which meets the claimed "an event a user is participating in" However, Aronin only teaches sending an email notification and did not explicitly teach sending the notification using a user's preferred method of notification.

Ruckdashel was introduced to supplement Aronin because it teaches a method for notifying an individual of a previously scheduled event. The user configures how he or she wishes to be notified for a particular appointment. The notification methods

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include wireless pager, email, wireless telephone etc...(see abstract, see Figs 5 and 7, col. 5, lines 21-36).

Aronin in view of Ruckdashel teach "sending of a notification using a user's preferred method of notification concerning an event the user is participating in" and therefore, render the claims obvious.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Shawki S Ismail/
Examiner, Art Unit 2455
August 27, 2009

Conferees:

/saleh najjar/

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